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PAGE 01 STATE 211460

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CINCPAC AND CINCEUR FOR POLADS; KUWAIT POUCH BAGHDAD

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C O N F I D E N T I A L USUN 3410

FROM US LOSDEL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT:CLASSIFIED WEEKLY SUMMARY - AUGUST 16-20

COMMITTEE I

1. CLIMATE IN COMMITTEE I (C-I) WAS TENSE THIS PAST WEEK
AS GROUP OF 77 (G-77) INTRODUCED TO WORKSHOP ITS
NEW DRAFT ARTICLES ON ACCESS SYSTEM AND INDUSTRIALIZED
COUNTRIES RESPONDED TO EXTREMIST TILT OF G-77 AMENDMENTS
WHICH ABANDON PURE PARALLEL SYSTEM AND GIVE AUTHORITY
WIDE DISCRETION IN APPROVING CONTRACTS. U.S. DELEGATION
BELIEVES UNIFIED INDUSTRIALIZED COUNTRY FRONT IN SUPPORT
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PAGE 02 STATE 211460

OF PURE PARALLEL SYSTEM OF EXPLOITATION MAY HAVE

STRENGTHENED MODERATE LDC MEMBERS OF G-77 WHO HAVE HAD SERIOUS DIFFICULTY STAVING OFF EVEN MORE EXTREMIST EFFORTS TO UNRAVEL ARTICLES NEGOTIATED IN RSNT. BY QUIETLY CLARIFYING WIDE GAP THAT REMAINS BETWEEN POSITIONS OF G-77 AND INDUSTRIALIZED COUNTRIES ON ACCESS, WE HAVE ENCOURAGED MANY LDCS TO FEAR COLLAPSE OF C-I NEGOTIATIONS IN EVENT G-77 DOES NOT QUICKLY MOVE AWAY FROM EXTREMIST STANCE. PRIVATE DISCUSSIONS IN C-I ARE FOCUSING ON NEED TO FORM EFFECTIVE NEGOTIATING GROUP WITH FULL MANDATE FROM INTERESTED PARTIES, PARTICULARLY G-77. IDEA OF NUMBER OF LDC LEADERS IS THAT BASIC TASK OF SUCH A GROUP WOULD BE TO DEVELOP CONSENSUS TEXT FOR ARTICLE 22, DEFERRING IMPORTANT QUESTION OF SYSTEM OF ACCESS FOR STATE AND PRIVATE PARTIES, IN HOPES THAT THIS ACHIEVEMENT WOULD ENCOURAGE SENSE OF OPTIMISM AND FORWARD MOVEMENT IN C-I. IF MORE RELAXED ATTITUDE COULD BE INSPIRED BY AGREEMENT ON NEUTRAL ARTICLE 22, THEY ARGUE THAT NEGOTIATION OF ANNEX PROVISIONS MIGHT BE CHARACTERIZED BY MORE LDC FLEXIBILITY.

2. ON OTHER HAND, SOME LDC LEADERS, PARTICULARLY JAGOTA (INDIA) WHO IS CO-CHAIRMAN OF WORKSHOP, APPEAR UNWILLING TO RESOLVE ARTICLE 22 PROBLEM THROUGH NON-PREJUDICIAL FORMULATION. USDEL HAS ADOPTED NO POSITION ON HOW TO RESOLVE PROBLEM, LETTING G-77 ESSENTIALLY NEGOTIATE AMONG THEMSELVES ON HOW TO GET C-I MOVING. WE ARE NOT OPTIMISTIC THAT ANY AVAILABLE PROCEDURAL SOLUTION WILL IN FACT FACILITATE PROGRESS SINCE WHENEVER REAL NEGOTIATION ON ACCESS COMMENCES, WHETHER IN NEGOTIATION OF ARTICLE 22 INITIALLY OR AN ANNEX PROVISIONS SUBSEQUENTLY, BASIC DIVISION BETWEEN U.S. AND G-77 WILL HAVE TO SURFACE. ACCORDINGLY, IT IS UNLIKELY THAT COMING WEEK WILL EVIDENCE ANY REAL CHANGES IN C-1 NEGOTIATING STALEMATE.

COMMITTEE II:

DURING THE WEEK OF AUG. 16-20, COMMITTEE II CONTINUED ITS WORK PRIMARILY IN SMALL GROUPS (SG) FORMED BY CHAIRMAN AGUILAR CONSISTING OF SELECTED DELEGATES. THESE GROUPS HAVE BEEN ASSIGNED RESPONSIBILITY
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PAGE 03 STATE 211460

FOR LANDLOCKED ACCESS TO THE SEA, THE DEFINITION OF THE CONTINENTAL MARGIN AND REVENUE SHARING, AND THE LEGAL STATUS OF THE ECONOMIC ZONE. THE QUESTION OF LL/GDS ACCESS TO RESOURCE REMAINS IN THE FULL NEGOTIATING GROUP (NG I) IN VIEW OF PENDING UNOFFICIAL CONSULTATIONS BETWEEN THE GROUP OF COASTAL STATES AND THE LL/GDS GROUP CHAIRED BY MEXICO AND AUSTRIA, RESPECTIVELY.

NEGOTIATIONS IN THE SMALL GROUP COMMENCED THURSDAY MORNING FOR THE CONTINENTAL MARGIN AND THURSDAY AFTERNOON FOR THE STATUS OF THE ECONOMIC ZONE. THE US PARTICIPATES IN BOTH. DISCUSSIONS ON THE CONTINENTAL MARGIN WERE USEFUL IN CLARIFYING POSITIONS AND US DEL (CLINGAN) REVIVED ITS FORMAL PROPOSAL ON REVENUE SHARING BEYOND 200 MILES, OF LAST SPRING. THE USSR SHOWED FLEXIBILITY IN THE AREA INDICATING A WILLINGNESS TO COME CLOSER TO THE POSITION SET FORTH IN THE IRISH FORMULA AND TO CONSIDER SOMETHING ALONG THE LINES OF THE US REVENUE SHARING PROPOSAL. THE REMAINDER OF THE DISCUSSIONS WAS CHARACTERIZED BY VARIOUS VERSIONS OF THE BROAD MARGIN POSITION (DEFENDED PRIMARILY BY CANADA) AND THE LL/GDS POSITION (BY AUSTRIA AND SINGAPORE). AUSTRIA REJECTED REVENUE SHARING AS INADEQUATE AND CALLED FOR PARTICIPATION BY LL/GDS STATES IN EXPLOITATION OF MARGINS IN THE REGION.

THE DISCUSSIONS ON THE LEGAL STATUS OF THE ECONOMIC ZONE WERE MARKED BY A HIGH LEVEL OF RHETORIC BY THE TERRITORIALISTS AND COASTAL STATES (PRIMARILY PERU, URUGUAY AND MEXICO). THE NETHERLANDS, ON BEHALF OF THE EUROPEAN COMMUNITY, TABLED THEIR EARLIER AMENDMENTS ON ARTICLES 44, 46 AND 75. THE US OPPOSED ATTEMPTS TO FOCUS DISCUSSION PURELY ON 44 AND 46 AND RE-TABLED ITS OWN PROPOSAL OF LAST SPRING. CANADA SUGGESTED TAKING A LOOK AT THE FORMULATIONS OF THE EVENSEN GROUP (GENEVA 1975) AND LOOKING, IN ADDITION, TO THE RELATION BETWEEN ART. 46(2) AND ART. 75.

ON FRIDAY, CHAIRMAN AGUILAR REPORTED TO THE COMMITTEE
CONFIDENTIAL

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PAGE 04 STATE 211460

ON THE PROGRESS MADE SO FAR. HE PROPOSED THAT FOR THE NEXT TWO WEEKS THE COMMITTEE CONTINUE TO DEAL WITH THE PRIORITY ISSUES IN SMALL NEGOTIATING GROUPS, AND THEN, DURING THE WEEK OF SEPT. 6, COMMENCE CONSIDERATION BY THE COMMITTEE OF OTHER ISSUES, IN WHICH HE SPECIFICALLY INCLUDED THE QUESTIONS OF DELIMITATION BETWEEN OPPOSITE AND ADJACENT COUNTRIES AND STRAITS. THE CHAIRMAN RESISTED PRESSURE FROM TANZANIA, TURKEY, AND SPAIN, WHO OPPOSED THE WORK PROGRAM.

COMMITTEE III:

ON MARINE POLLUTION, DISCUSSIONS CONTINUED IN THE SMALL NORWEGIAN CONSULTING GROUP ON THE PROBLEM OF STANDARD-SETTING FOR VESSEL POLLUTION IN THE TERRITORIAL

SEA. THE U.K. HAS CONTINUED TO BE INTRACTABLE ON THE ISSUE WHILE NORWAY AND THE USSR HAVE MADE EFFORTS AT COMPROMISE. SINCE SEVERAL DEVELOPING COUNTRIES, INCLUDING KENYA, HAVE JOINED THE U.K. IN OPPOSING THE U.S. POSITION, WE ARE NOW IN A DEFINITE MINORITY IN TRYING TO AVOID RESTRICTIONS ON COASTAL STATE RIGHTS OTHER THAN THE REQUIREMENT NOT TO HAMPER INNOCENT PASSAGE. WE ARE TRYING TO EXPLORE, THROUGH NORWAY, TO DETERMINE HOW MUCH OF OUR OPTIMUM POSITION IS OBTAINABLE. DISCUSSIONS CONTINUE ON THIS ISSUE THIS WEEK. OTHERWISE, IT SEEMS UNLIKELY THAT ANY OTHER ISSUES IN THE POLLUTION SECTION WILL REQUIRE NEGOTIATION SINCE THERE HAVE BEEN NO MAJOR ATTACKS ON ANY SPECIFIC POINTS.

ON SCIENTIFIC RESEARCH,, CHAIRMAN YANKOV MADE A COMPROMISE PROPOSAL AFTER SEVERAL INFORMAL MEETINGS BUT COULD NOT ACHIEVE AGREEMENT. THE PROPOSAL WAS HELPFUL IN MOVING SUBPARAGRAPH (C) OF ARTICLE 60-(2) FROM THE PARAGRAPH ALLOWING COASTAL STATES TO DENY CONSENT TO BECOMING SIMPLY A FLAG STATE OBLIGATION NOT TO INTERFERE WITH COASTAL STATE ACTIVITIES. HOWEVER, THIS WAS MORE THAN OFFSET BY EXPANDING THE GENERAL COASTAL STATE JURISDICTIONAL ARTICLE. YANKOV HAS CEASED CONSULTATIONS IN THE COMMITTEE ON THE ISSUE BUT WILL TRY PRIVATELY TO FIND A COMPROMISE. THE DEVELOPING COUNTRIES CONTINUE TO INSIST ON RETENTION OF PARAGRAPH ONE OF ARTICLE

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PAGE 05 STATE 211460

60 OF THE RSNT AND HAVE MADE THAT THEIR MAJOR OBJECTIVE FOR THE SESSION. THE EXTENT TO WHICH THEY WILL MOVE ON OTHER POINTS THEY HAVE RAISED IS NOT YET CLEAR.

DISPUTE SETTLEMENT:

INFORMAL PLENARY WAS THE SCENE OF COORDINATED GROUP DYNAMICS ON RELATIVELY TECHNICAL MATTERS. DEVELOPING COUNTRIES SOUGHT TO DOWNPLAY EXPERT ADVICE AS PROVIDED BY ARTICLE 11 THOUGH THEY HAD OPPOSED SPECIAL PROCEDURES IN ANNEX II ON GROUNDS THAT EXPERT ADVICE IS ALL THAT IS NEEDED. THE EUROPEANS APPROACHED THE ROLE OF THE LOS TRIBUNAL IN ARTICLES 12 AND 15 TOGETHER AND OPPOSED THAT ROLE CONSISTENT WITH THEIR VIEW THAT THERE IS NO RPT NO NEED FOR A NEW TRIBUNAL. THE ARAB GROUP ATTACKED VESSEL RELEASE AS PROVIDED BY ARTICLE 15, WITH NOTABLE HELP FROM MOST LATINS WHO SPOKE, ON ARTICLE 13 (ACCESS TO PROCEDURES) TUNISIA RECALLED THE POSITION OF THE G-77 IN FAVOR OF ACCESS FOR NATIONAL LIBERATION MOVEMENTS BUT SAID THIS IS NOT THE TIME OR PLACE TO DEBATE IT, AND IT WAS NOT A SUBJECT OF FURTHER COMMENT LAST WEEK.

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